

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-14956  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 18, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 03-00709-CV-J-25-TEM

TRACEY T. TURNER, a minor by and through  
his parents and next friends,  
TRACY R. TURNER, mother,  
TRACEY TURNER, father,

Plaintiffs-Appellees,

versus

UNITED STATES OF AMERICA,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Florida  
\_\_\_\_\_

(February 18, 2009)

Before BIRCH, HULL and FAY, Circuit Judges.

PER CURIAM:

This is an appeal by the Defendant United States of a judgment for \$4,364,327 awarded in favor of the minor Plaintiff Tracey Turner after a bench trial. Turner and his parents filed a medical malpractice negligence action against the government under the Federal Tort Claims Act based on medical treatment Turner received at a Navy hospital. The facts in this case are set out in Turner ex rel. Turner v. United States, 514 F.3d 1194 (11<sup>th</sup> Cir. 2008). After remand, the district court again found in Tracey's favor. The government again appeals and argues that the district court erred in finding that the medical care provided to Tracey violated the "reckless disregard" standard of care.

After careful review of the record, the briefs and having heard oral argument, we find no reversible error. Accordingly, we AFFIRM the judgment of the district court.